VERIFIED STATEMENT (DECLARATION) BY A NO. INVENTOR SUPPORTING A CLAIM BY ANOTHER FOR SMALL ENTITY STATUS

I hereby declare that I am making this verified statement to support a claim by

Digital Control, Inc.
for small entity status for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled PORTABLE LOCATOR INCLUDING A GROUND MARKING ARRANGEMENT by inventor(s) Joseph Zeck and Stuart G. Emigh described in
[X] the specification filed herewith. [] application Serial No filed [] patent # issued
I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying fees under Section 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.
I hereby declare that I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).
Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:
no such person, concern, or organization [] person, concerns or organizations listed below*
*NOTE: Separate verified statements are required from each named person, concern or organization that the invention averting to their status as small entities. (37 CFR 1.27)
Name:
Name: Address: [] individual [] small business concern [] nonprofit organization
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 1001 of Title 18 of the U.S. Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.
NAME OF PERSON SIGNING: John E. Mercer
ADDRESS OF PERSON SIGNING: 425 S. W. 41st Street, Renton, Washington 98005
SIGNATURE John E. Mercu DATE 3/24/00

COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name. I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled PORTABLE LOCATOR INCLUDING A GROUND MARKING ARRANGEMENT the specification of which

X is attached he	ereto.			•
was filed on				
Uni	ted States Application Nu	mber		
	PCT International Applicat			
and	was amended on	(if applicable)	•	
		erstand the contents of the above	e-identifie	d specificatio
cluding the claim(s), as ame aimed invention was ever kr described in any printed prise application, that the same for to this application, and the same of this application, and the same of this led by me or my legal representation of the same of	nded by any amendment rown or used in the United ablication in any country was not in public use or hat the invention has not be application in any country sentatives or assigns more oplication) prior to this applications, Section 1.56.	I do not know a distance of America before my investigates of America before my investigates of America States of America patented or made the subject by foreign to the United States of American twelve months (for a utility polication. It will be a subject of the transfer of the trans	ention therefore than onerica more of an inverse America of patent appatentabilisection 11 ntified be	reof, or patentone year prior re than one year than one year than one year too's certifican an application or solution and the prior of
oplication for patent or inventage aimed: rior Foreign Application(s)	ntor's certificate having a	filing date before that of the applic	cation on Priori <u>Claim</u>	wnich priority
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
hereby claim the benefit uno pplication(s) listed below (Application Number)	der title 35, United States 6 Filing Date	Code, Section 119(e) of any United	d States pr	rovisional
(Application Number)	Filing Date			

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prior ap	plication	and the	national or Po	CT inter	national	filing dat	e of this	applica	ation:				

(Application Number)	Filing Date	(Status patented, pending, abandoned)				
(Application Number)	Filing Date	(Status patented, pending, abandoned)				
I hereby appoint the practi substitution and revocation, to pro Office connected herewith, and dire	secute this application and to tra	omer Number provided below, with full power of ansact all business in the Patent and Trademark dressed to that Customer Number.				
	Customer Number 21	833				
made on information and belief a knowledge that willful false statem Section 1001 of Title 18 of the Uni of the application or any patent issu	are believed to be true; and functions and the like so made are put ited States Code and that such with the thereon.	own knowledge are true and that all statements rther that these statements were made with the inishable by fine or imprisonment, or both, under illful false statements may jeopardize the validity				
Full Name of Sole/First Inventor:	. — 1	211 4442 1 2 4				
Inventor's Signature:	15/	Date: 24 MAR '00				
Residence: 24013 S. E. 103 rd Place	•	Citizenship <u>USA</u>				
	(City, State)	(Country)				
Post Office Address: 24013 S. E. 1	03 rd Place, Issaquah, WA 9802	7				
Full Name of Second Inventor: Stu	uart G. Emigh					
Inventor's Signature:		Date: 24 mar 00				
Residence: 22005 6th Avenue Sout		8 Citizenship USA				
	(City, State)	(Country)				

Post Office Address: 22005 6th Avenue South #203, Des Moines, WA 98198

Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability

of a claim; or
(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.